UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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SCOTT EBERLE,

Plaintiff,

-against-

THE TOWN OF SOUTHAMPTON, et al.,

Defendants.
---X

ORDER
CV 12-4472 (ADS)(ARL)

LINDSAY, Magistrate Judge:

Before the court is the plaintiff's request for permission to move for an order compelling the defendants to respond to his Notice for Discovery and Inspection, which was interpreted as a motion to compel by the defendants. By letter dated January 15, 2013, the defendants responded to the plaintiff's letter and the plaintiff filed a reply that same day. For the reasons set forth below, that request is denied.

To begin with, the parties do not need permission to file a motion pursuant to Local Rule 37.3. In addition, the parties are reminded that replies are not accepted on letter motions. With respect to the substance of the dispute, the defendants contends that the request at issue is a state court discovery device which is not provided for in the federal rules. However, the court cannot resolve this dispute because the request was not annexed to the plaintiff's application. Finally, counsel for the plaintiff acknowledges that the time provided for the response was incorrect. Accordingly, the application is denied, at this time.

Dated: Central Islip, New York
January 16, 2013

SO ORDERED:

_________/s/______________________
ARLENE R. LINDSAY
United States Magistrate Judge